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Corporate Headquarters in Rural North Dakota
Operating the FVO Organic Certification Program
The FVO Program is accredited by IFOAM, Conseil des appellations agroalimentaires du Québec (CAAQ), and (USDA) ISO 65

Date: 15 August, 2005

To:
Arthur Neal, Director, Program Administration
National Organic Program
USDA–AMS—TMP–NOP
National.List@usda.gov

Comments Pursuant to:
Docket No. TM-04-07
National Organic Program, Sunset Review

Submitted by:
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Comments:
International Certification Services, Inc. (ICS) is an organic products certification agency based in North Dakota, USA, doing business worldwide. The program currently does business under the name International Certification Services, as well as Farm Verified Organic (FVO) and has done so since 1980. ICS is accredited by The United States department of Agriculture under the National Organic Program (NOP), International Organic Accreditation Services, Inc. (IOAS) to the program requirements of the International Federation of Organic Agriculture Movements (IFOAM) Accreditation Program. ICS also holds accreditation by USDA for compliance under ISO Guide 65 requirements.

ICS is pleased to have this opportunity to share its comments with USDA's on its Advance Notice of Proposed Rule making regarding the Sunset Review of the National List, Subpart G of 7 CFR 205. We herewith list our comments for each material on the National List where we suggest in a change to the current status of or annotation to said material. For those materials currently on the National List where we offer no comments here, USDA can assume that we support the continuation of the material's status as it currently appears on the National List.

Taking each material of concern to us in turn as they appear sequentially on the National List, with their corresponding subsection numbers/letters:

Section 206.601:

(i)(10) streptomycin, and (i)(11) tetracycline – Both of these materials we suggest removing from the National List. These are antibiotics which must be used in a prophylactic manner to avoid the disease problems they are designed to combat. Alternatives exist, for example similar preventative use of *Bacillus subtilis*; this microbe effects a competitive reaction against fireblight and thereby inhibits the formation of the disease. Another proven method involves the physical burning and subsequent removal of diseased spots of fireblight, which effectively kills the disease. Use of antibiotics, on the other hand, constitutes a potential worker exposure hazard, and can contribute to the buildup of resistance to these antibiotics, both by humans and other organisms in the field.

In summary, alternatives exist to these materials, and they are (1) potentially harmful to human health or the environment, (2) not necessary to the production of the agricultural products because of the availability of wholly nonsynthetic substitute products, and (3) inconsistent with organic farming and handling.

(j)(3) Humic acids – ICS approves the continued listing of such materials. However, we strongly urge USDA to read (as in section (j)(1)): "Extraction process is limited to the use of potassium hydroxide or sodium hydroxide; solvent amount used is limited to that amount necessary for extraction. This closes a potential loophole to fortify such materials with synthetic sources of nitrogen (via ammonium hydroxide) and/or potassium; such fortification is contrary to organic production principles and the rest of the NOP rules.

(l)(1) lignin sulfonate – This material should be removed from the National List. Practical alternatives exist, such as aeration, bubblers, or other gentle agitation. At the very least, this material is not a crop production material, as it is used after harvest, and should thus be classified as a handling material and moved to another section of the National List. If USDA decides to continue its inclusion on the National List, annotations should be added to the entry to state that all residues of the material must be removed prior to sale of the product as organic.

(l)(2) sodium silicate – This material should be removed from the National List. We believe it to be wholly unnecessary, and in fact have never encountered a tree fruit producer who used it or requested to use it. At the very least, this material is not a crop production material, as it is used after harvest, and should thus be classified as a handling material and moved to another section of the National List. As a final comment, we respectfully suggest that when fiber processing becomes a topic given its due address by USDA, then such materials can be reconsidered.

Section 205.602

(e) potassium chloride, and (g) sodium nitrate – ICS favors deletion of the annotations for both of these materials, making them categorically prohibited ion organic production systems. These materials fulfill all 3 basic criteria for prohibition from organic systems, namely they are:

(1) potentially harmful to human health or the environment – Increasing the sodium or chloride content of soil is agronomically deleterious. Furthermore, we do not know of any valid test or other verification method to show that the chloride content of soil is becoming too high from the use of potassium chloride, as much of the chloride ion will combine with other components of the soil, making detection spotty at best.
(2) not necessary to the production of the agricultural products because of the availability of wholly nonsynthetic substitute products – addition of nitrogen to soil is one of the pillars of good organic production; such sources include animal manures and nitrogen-fixing plants. Potassium can be obtained from other less harmful mineral sources, as well as from plant or animal-based sources.
(3) inconsistent with organic farming and handling – The use of totally soluble nutrients is completely against the principles of organic farming, which instead promote the building of soil fertility. Soluble nutrients like these feed the plant directly and do nothing for the long-term fertility of soil. Permission to use them is disincentive to use practices and techniques that are sustainable in the long-term.

Section 205.603

Section (a) – We strongly suggest that USDA separate out the sanitizers from the medical treatments; the former are for equipment, the latter for livestock. Materials termed "disinfectants" might show up in either use. Listing these all together can create confusion.

(a)(4) Chlorhexidine – We believe the allowance as a teat dip should be discontinued. This material has a greater relative toxicity to any other teat dip on the National List. The annotation for its allowance as such is counter to organic principles, to wit: if other germicidal agents have lost their effectiveness, this is a sign that overall organic management techniques are poor and inadequate and need of improvement if organic certification is to be granted or continued.

(a)(10) Iodine – We ask USDA to clarify exactly what kinds of iodine are allowed. "Tame" iodine is what organic livestock producers most commonly use for a teat dip, in our experience. This form is a polymerized complex (or similarly complexed) form of iodine that is often combined with emollients and/or other materials designed for ease of use and comfort of the animal. Pure iodine – as a tincture, for example – is impractical as a teat dip (i.e., a topical disinfectant), although it is useful as a topical disinfectant on cuts. We suggest that USDA categorize the types of iodine materials that are allowed for specific purposes.

(a)(13) Ivermectin – This material should be removed form the National List, as it fulfills all 3 criteria for its removal, i.e., it is:

(1) potentially harmful to human health or the environment - In the book "Grasp the Nettle" (a book about Bio-dynamic farming) by Peter Proctor, he describes the effects of Ivermectin. He says, "Avoid buying stock that have had Ivermectin. Ivermectin is a synthetic material that is such an efficient internal worm drench that it kills earthworms as well. Its effects last in the dung a number of years, so dung from animals treated with this material will not break down." Ivermectin not only kills parasites in livestock, but also the incredibly valuable earthworms around the cow pies, and the birds we rely on so

heavily in organic production. And there is a growing body of evidence linking the cause of Mad Cow with the use of organophosphate backpours. <www.markpurdey.com>

(2) not necessary to the production of the agricultural products because of the availability of wholly nonsynthetic substitute products – diatomaceous earth is commonly used as an external parasiticide in organic livestock, with good effects. Botanical preparations and essential oils have also been shown to be effective.

What is more, parasites can be managed without chemicals by integrating a combination of techniques into livestock management programs, such as:

(i) reducing stocking density (crowded animals without adequate space tend to be sick animals that spread disease and parasites);

(ii) rotating pastures (which breaks the reproductive cycle of parasites);

(iii) multi species grazing (which further reduces parasite populations for each species);

(iv) keeping animals off of wet, swampy ground (especially if you have a liver fluke problem);

(v) and probably most important, an aggressive culling program (selecting for animals that are naturally resistant to parasites).

(3) inconsistent with organic farming and handling – An allowance for use of Ivermectin is potentially abused by certain producers, who might seem to have an "emergency" situation with their mother cows every year, just before the third trimester. Organic beef producers should avoid the use of backpours altogether, rather than attempting to find a "legal" way to use them.

Furthermore, Ivermectin is not an emergency-use product. It is designed as a routine-use product. We respectfully suggest that the National List is thus potentially in conflict with the nature of the product allowed and the other sections of the NOP rule. NOP rules state in section 205.238(c)(4), "The producer of an organic livestock operation must not administer synthetic paraciticides on a routine basis." Section 205.238(a) states "The producer must establish and maintain preventive livestock health care practices, including…" [205.238(a)(1)] "Selection of species and types of livestock suitable for site-specific conditions and resistance to prevent diseases and parasites…" and in Section 205.238(a)(3) "Establishment of appropriate housing, pasture conditions and sanitation practices to minimize the occurrence and spread of diseases and parasites." In summary, if a producer is following an approved system plan for preventive management, he should not have need for the Ivermectin.

(a)(14) Phosphoric acid – We support the idea that this material could be used as annotated on the National List. However, we wish to bring to USDA's attention further consideration of the topic of sanitation materials used by organic livestock operations. We posed our questions and concerns to USDA recently in a letter to Mark Bradley dated 20 June, 2005, and believe their reiteration is worthwhile in the context of the present discussion for your consideration:

"International Certification Services is concerned about the components of the effluents issuing from some NOP-certified organic dairy operations. The purpose of this inquiry is to obtain guidance from USDA with respect to equipment sanitation materials commonly in use on many certified organic dairy farms.

The National List includes some materials that are suitable for equipment sanitation, namely chlorine materials and phosphoric acid. The annotation for chlorine materials states that the residual chlorine levels must be a maximum of 4ppm (Safe Drinking Water Act limit).

However, it is our experience that a much broader range of materials than the ones noted above are commonly in use on NOP-certified dairy operations. Such materials include nitric and sulfuric acids, potassium and sodium hydroxides, and a wide array of other typical industrial equipment sanitizing materials either alone or in combination. In the case of chlorine, we do not believe that certifying agents are requiring verification of residual levels as specified in 205.603. With most operations, all of these chemicals are washed from the milking parlors on farm into the lagoon or similar manure/waste collection system, and eventually end up being applied to certified organic soil. The concentrations of elements thus being applied in synthetic form to organic soils is variable with the case, ranging from minimal to substantial. Our interpretation of the NOP rules does not permit this kind of interaction, except in the case of those materials included on the National List section 205.603.

That said, we do recognize the importance of food safety, and do not wish to force organic dairy producers into a situation which is too limiting for them to operate within good food safety practices. While it is conceivable that food safety for milk handling could be maintained using only those materials included in 7 CFR 205.603, the reality is that there is proposed or actual use of many more materials, often from a perceived need by producers do so. (In our opinion, the environmental effect of chlorine is perhaps more negative than the addition of other synthetic compounds such as nitrates, sulfates, or potassium resulting from sanitation chemical use.)

We want to know from USDA how we are to evaluate sanitation materials used (or proposed for use) by organic producers. ICS believes the topic of our inquiry here would be an issue shared by many if not all NOP-accredited certifying agents that work with dairy producers. We want all certifying agents and producers to be allowed to operate on an even playing field in that manner that is consistent with the NOP rules and the intentions of organic production. We would like USDA to clarify the issue for us and for the organic community in general."

(b)(4) – Hydrated lime – This material should be removed from the National List. We believe this is too harsh of a chemical to allow for direct contact with an animal as a pest control agent. It is strongly caustic and causes discomfort and potential damage to the animal's skin and/or coat. It is also hazardous to humans who handle it, usually being of a very fine powder; exposure by direct contact or inhalation is common.

(c) Non-organic milk replacer – This should not be included on the National List. ICS believes that any such allowance for non-organic feed materials should be granted as a variance issued by the Secretary or a duly authorized representative of the Secretary. Furthermore, the allowance discourages the development and use of organic milk replacer in the marketplace. Finally, the need for milk replacer is or should generally be very rare; organic milk is the best option.

(d)(1) DL-methionine – This material should come off of the National List on the already-annotated sunset date. ICS strongly opposes its allowance in organic poultry production (or other livestock production). It is used only to increase the growth *rate* of poultry; it is not essential or even specifically lacking in reasonable quality organic grain. Furthermore, we do not see synthetic amino acids as being consistent with the Organic Foods Production Act, the description of National List categories provided therein not including any category in which such materials as DL-methionine would fit. This speaks to the lack of suitability in the first place of such materials being include don't he National List or in organic production as described by OFPA.

Conclusion:
We appreciate the opportunity to offer our comments and share our concerns. We would be pleased to contribute additional data and commentary in support of our position, if USDA requests it.

End of comments.

Respectfully submitted,

International Certification Services, Inc.